

## **CROYDON CHURCHES HOUSING ASSOCIATION**

### **ANTI-SOCIAL BEHAVIOUR POLICY**

#### **1.0 INTRODUCTION**

1.1 We are committed to tackling anti-social behaviour (ASB) in a robust and responsive manner.

1.2 This ASB policy and its associated procedure sets out our approach to tackling ASB to minimise incidents of ASB that our residents and service users suffer. This policy applies to all our staff, residents and service users. This policy provides that:

- We will not tolerate any ASB from any source and we will respond robustly to all reports of ASB, including where necessary taking legal action against alleged perpetrators;
- We will explore resolution first, giving those causing problems the chance to stop the behaviour being complained about;
- In dealing with ASB our emphasis will be prevention, diversion, behaviour change, community inclusion and community sustainment;
- We will respond to allegations in a tactful and sensitive manner, treating information from complainants confidentially, seeking their consent prior to sharing with a third party;
- We will find ways of acting with and on behalf of our residents who experience ASB by people who are not our residents;
- We will provide a range of measures designed to prevent ASB;
- We will seek to combat discrimination and ASB in our communities ensuring equality of opportunity for all persons, and;
- We will promote multi-agency working and information sharing with all our partners in the communities we operate within.

#### **2.0 ANTI-SOCIAL BEHAVIOUR (ASB)**

2.1 The term ASB covers a wide spectrum of behaviour. The most recent statutory definition is behaviour that has, or is likely to cause harassment, alarm or distress, or capable of causing nuisance or annoyance to a person in the occupation of their home or community. This definition also includes the use of accommodation for an unlawful purpose, and 'Hate Crime'.

2.2 'Hate Crime is any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic. This can include acts of domestic violence, or harassment linked to race, sexual orientation, disability (including mental ill health), gender identity and religious belief.

- 2.3 Examples of ASB can be as far ranging as someone failing to keep their garden tidy right through to behaviours such as violence, intimidation or drug dealing which are criminal offences. There is also legislation which helps in defining this:
- Anti-Social Behaviour, Crime and Policing Act 2014 – New tools and powers and their definitions are covered in the ASB Procedure.
  - The Anti-Social Behaviour Act 2003 – This enables injunctions to be applied for where there is conduct which is capable of causing a nuisance or annoyance, and directly or indirectly relates to or affects the landlords housing function.
  - Crime and Disorder Act 1998 – Defines ASB as behaviour likely to cause harassment, alarm or distress to one or more persons not of the same household as themselves.
  - Housing Act 1996 sections 153 and Section 12 of the ASB Act 2003 – Defines ASB as conduct causing or likely to cause a nuisance or annoyance to a person, and directly or indirectly affects the housing functions of a relevant landlord or consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.
- 2.4 Within the terms of our tenancy agreements we define ASB under sections such as nuisance, threatening or abusive behaviour, racial and other harassment, noise, pets and parking.
- 2.5 We are mindful that what constitutes ASB for one individual or household may not be so to another.

### **3.0 RESIDENT RESPONSIBILITIES**

- 3.1 We live in a diverse and multicultural society and, within reason, we expect our residents to show tolerance and consideration to their neighbours, their community, and be respectful of different people's lifestyles. We expect our residents not to commit acts of ASB or allow their occupants, family, visitors, or associates to do so. This includes harassment, noise nuisance, annoyance or disturbance, or any act that could cause alarm or distress. Whether to other residents, their household, visitors, or other people in the local area. This also includes our staff and contractors.
- 3.2 In order to mitigate against possible incidents of ASB we set out our expectations of behaviour to all prospective residents both before, and at the start, of each tenancy. We also issue Starter tenancies to residents moving into our general housing and older person's schemes, where they have never held a social tenancy before. Further information are provided in our ASB Procedure and Starter Tenancy Procedure.
- 3.3 We aim to support residents in taking responsibility for living tolerantly in their own communities. Our experience tells us that if neighbours can be supported to agree workable solutions themselves, it helps maintain good relationships and brings an end

to ASB quickly. Also when a landlord becomes involved at too early a stage, relationships are then more likely to break down.

#### **4.0 ACTION TO DEAL EFFECTIVELY WITH ASB**

- 4.1 All complaints of ASB can be reported to any member of staff and will be dealt with promptly and efficiently. Complainants will be kept informed of any developments relating to their complaint. We will provide support to the person reporting ASB and any witnesses both to ensure their own security and well-being and so that action against perpetrators is as successful as possible.
- 4.2 Our response to proven allegations of ASB will be proportionate and appropriate. Except in very serious cases, our initial intervention will be to work with the perpetrator with the aim of stopping the problem behaviour, preventing re-occurrence and achieving effective and long-lasting solutions. More details of the processes around dealing with ASB are contained in our ASB Procedure.
- 4.3 We are committed to providing well-managed neighbourhoods that provide a better quality of life and act as a deterrent to anti-social behaviour, neighbour nuisance and crime. Where practicable we will look to make 'estate improvements' that help design out the problems associated with crime ASB; such as lighting, security, or regenerating vulnerable or under-used areas. For further details, please refer to our Neighbourhood Policy.
- 4.4 In taking action, we will work closely with statutory organisations such as Local Authorities and their ASB teams, local community policing teams and Social Services.

#### **5.0 NON-LEGAL ACTION**

- 5.1 *Mediation* – We consider mediation in cases where a discussion between neighbours has not been possible or has not resolved the issue. This is a process aimed at resolving disputes between two or more parties on a voluntary basis. The process is facilitated by a third party and is based on the principle of reaching resolutions through communication and compromise. In cases where we consider this tool appropriate, and a complainant is unwilling to make use of it, we may advise that we are unable to investigate the matter any further.
- 5.2 *Warnings* – Prior to taking legal action, warnings can be issued and copies kept on file. These can be issued when the ASB is continuous but the perpetrator refuses to acknowledge the problem and/or deal with the issue following intervention and advice by relevant staff. All issued warnings are recorded and monitored.
- 5.3 *Acceptable Behaviour Contracts (ABC)* – This is a written contract drawn up between the alleged perpetrator and ccha. It is not legally binding but we often involve the police and other relevant agencies in their construction. The ABC usually stipulates that the

perpetrator does not engage in or carry out certain deliberate acts which are considered anti-social.

- 5.4 *Parental Contracts* - Where informal interventions are used against those under 18 years of age, we can use Parental Contracts to monitor the behaviour of the individual, in partnership with the parents or guardian. This tool is similar to an ABC but is signed by the parent or guardian. If the behaviour of the parent is seen to be a contributory factor in the child's behaviour, we also involve other agencies in their construction.

## **6.0 LEGAL ACTION**

- 6.1 We consider legal action where there is sufficient evidence. Eviction is only considered where other interventions have failed and is used as a last resort.

- 6.2 We may make use of the following, as appropriate to each case:

- Legal notices
- Discretionary possession order using ground 14 of the Housing Act 1988
- Mandatory possession order using ground 7a of the Anti-Social Behaviour, Crime and Policing Act 2014
- Forfeiture of lease
- Civil Injunctions
- s.21 Notice Requiring Possession for an assured shorthold fixed term tenancy
- Notice to terminate a licence

- 6.3 We may also work with partner agencies to use the following:

- Noise abatement notices (issued by local authorities)
- Premises closure orders for premises where drugs are used unlawfully or where the premises is associated with significant and persistent disorder (with Police)
- Parenting contracts/ orders

- 6.4 We ensure that breaches of orders are enforced quickly and appropriately, in discussion with complainants, our partners and the courts as appropriate.

- 6.5 Details on all current relevant legal tools available to us can be found in our [ASB Procedure](#).

## **7.0 SUPPORT FOR COMPLAINANTS AND WITNESSES**

- 7.1 Where an individual reports ASB and wishes to pursue their own action to resolve a problem of ASB, and we feel there is sufficient evidence to do so, we will provide advice and support to assist them.

- 7.2 Where an individual reports ASB to us and requests action to resolve, we will provide support to them, and any witnesses. We will endeavour to consider their well-being and security and aim to achieve a resolution to the ASB being faced. In most circumstances we would wish to obtain agreement with complainants about any action

to be taken. However, there may be situations where we will pursue action against the wishes of the complainant if it is deemed serious enough. In these circumstances we will take appropriate measures to protect those affected.

- 7.3 It may also be the case where a complainant wishes a course of action against an alleged perpetrator where we take a view that it would be disproportionate and instead take a different course of action in response. In these circumstances we will communicate any measures to the complainant that will be taken in response to their reports.
- 7.4 Where a complainant appears to be vulnerable and their ability to deal with any ASB is diminished we will also ensure that the appropriate support and joint agency working is in place, if the resident is willing to engage in these services. We will undertake a vulnerability assessment involving the complainant in this process, which will be shared with the relevant agencies who can assist us to support their complainant.

## **8.0 SAFEGUARDING – VULNERABLE ADULTS AND CHILDREN**

- 8.1 We have a Safeguarding Policy which must be referred to in dealing with ASB and nuisance cases. This policy is for the protection of vulnerable adults and children receiving services of any kind from us. This includes protection from staff, our contractors, other customers, or other carers.
- 8.2 We will share concerns about safeguarding with the relevant agencies including Social Services and the Local Authority, working closely with them during investigation and action stages. Vulnerability in itself will not prevent action being taken to bring an end to complaints of ASB by an individual, their family, occupants or visitors.
- 8.3 The London Child Protection procedures (in response to the Victoria Climbié investigation in 2003) require all staff to report cases of possible child abuse/harm which they may witness whilst investigating cases of ASB, or at any other time.

## **9.0 PARTNERSHIP WORKING**

- 9.1 We will work in a multi-agency and collaborative fashion in partnership with statutory organisations, partnering agencies, community groups, and professional bodies to support individuals who report ASB, witnesses and perpetrators in managing their behaviour.
- 9.2 In line with Central Government requirements, Local Authorities will have developed 'Information Sharing Protocols'. We will sign up to these which will mean that we are obliged to share information with the Local Authority and agencies, where relevant to the services they provide or clients groups they serve, if it will help prevent or detect a crime.
- 9.3 Local authority ASB forums meet regularly to discuss collaborative working, best practice, and where appropriate information on perpetrators or those who give cause

for concern. This includes discussing possible interventions and remedies. A referral will be made to these teams to share information and work closely together when taking action against any perpetrator further to complaints being received.

- 9.4 We are signed up to the London Borough of Croydon's ASB Charter and are one of a small core group of key Registered Providers known as 'ASB Champions'. This group works closely with Croydon Council in shaping the overall response to ASB in the borough, including policies and procedures.

## **10.0 CLOSING CASES**

- 10.1 We will advise a complainant when and why we feel it is time to close their case and aim to seek their agreement where possible. We reserve the right to close a case where there is no further action we can reasonably take.
- 10.2 As part of the Anti-Social Behaviour, Crime and Policing Act 2014, residents can also initiate a review of their case where they feel no action has been taken, known as the '*Community Trigger*'. This is designed to give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution. For the purposes of the Community Trigger, ASB is defined in The Act as "behaviour causing harassment, alarm or distress to members or any member of the public".
- 10.3 The Community Trigger can also be used by any person on behalf of a victim, for example a family member, friend, carer, councillor, Member of Parliament or other professional person. This is intended to ensure that all victims are able to use the Community Trigger. However, the victim's consent should be sought by the person using the Community Trigger on their behalf. Residents should contact their local relevant body (i.e. police force or council) should they wish to initiate the trigger, and we can provide information on how to do this upon request.

## **11.0 DATA PROTECTION AND CONFIDENTIALITY**

- 11.1 The Data Protection Act 1998 and the General Data Protection Regulation 2016 (GDPR) set out requirements for ensuring that data about individuals is properly protected and only shared in a lawful way. We will comply with these and best practice guidance set out in the Framework Code of Practice for Sharing Personal Information which is published by the Information Commissioner. See our [Data Protection Policy](#) for more information.
- 11.2 We treat all information we receive in confidence and will seek a resident's consent before sharing any information, unless we are obliged to due to legal requirements, such as when vulnerable children or adults are involved.
- 11.3 We will encourage complainants to allow us to share information with other agencies, including the Police and Local Authorities, to ensure that the full range of civil and/or

criminal remedies can be pursued, as well as appropriate levels of support from these agencies where appropriate.

## **12.0 PUBLICITY**

- 12.1 We do not always publicise the details of alleged or proven perpetrators of ASB. However, we may consider providing photographs and details of perpetrators to local people where appropriate, such as legal tools that include exclusion zones. We reserve the right to publish details of successful enforcement or prevention and diversion actions where we judge this is in the interests of the public and our residents.
- 12.2 We will publicise our policy on ASB to residents, staff and other stakeholders. This will include ways ASB can be reported. We may, using personal data appropriately publicise any actions, including legal.

## **13.0 TRAINING**

- 13.1 We will ensure that staff have the confidence and knowledge to identify and investigate incidents and reports of ASB. As part of Croydon's ASB Charter, we are involved in any joint training in the Borough and assist with suggestions on what topics are needed.

## **14.0 MONITORING AND EVALUATION**

- 14.1 We will use satisfaction surveys as part of our case closure process, to seek feedback and use to assist any future evaluation and review of the effectiveness of this policy. These will be monitored by Operational Managers.
- 14.2 If a resident is dissatisfied with the service they have received they can also use our Complaints Policy, which will generate a review into the actions taken and establish whether processes were properly followed.

## **15.0 EQUALITY AND DIVERSITY**

- 14.1 We will treat all customers with fairness and respect. We recognise that we have an ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of age, sex and sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership. See our Equality, Diversity and Inclusion Strategy.
- 15.2 We also recognise that because someone chooses to live in a way that may be different to another person, this does not mean it is wrong or anti-social, for example, complaints about cooking smells, cultural or religious gatherings etc.
- 15.3 We will seek to support complainants to bring an end to ASB but reserve the right not to take action in cases that we view to be caused by differing lifestyles.

<b>Version History</b>	
<b>Policy name</b>	Anti-Social Behaviour Policy
<b>Version code</b>	1.2
<b>Lead Officer</b>	Director of Operations
<b>Equality Impact Assessment</b>	March 2018
<b>Resident Consultation</b>	November 2014
<b>Colleague Consultation</b>	October 2017
<b>Stakeholder Consultation</b>	November 2014
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<b>Review Date</b>	March 2021
<b>Policies and procedures replaced</b>	Anti-Social Behaviour Policy v1.1
<b>Version Changes</b>	<p><u>v.1.2</u> Updates include:</p> <ul style="list-style-type: none"> <li>- Added gender identity as personal characteristic for hate crime.</li> <li>- Summary of non-legal actions we may take in dealing with cases.</li> <li>- Summary of legal actions we may take in dealing with cases.</li> <li>- Reference to data protection requirements under GDPR 2016.</li> <li>- Equality Impact Assessment updated March 2018.</li> <li>- Review date changed to March 2021.</li> </ul> <p><u>v.1.1</u> Updates included:</p> <ul style="list-style-type: none"> <li>- Reference to new powers and practices under the Antisocial Behaviour, Crime and Policy Act 2014.</li> <li>- Removal of procedural detail, now included within a separate ASB Procedure document.</li> </ul>